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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,477	01/15/2002	Yasumasa Nakajima	MIPFP001	3715

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EXAMINER

QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,477	NAKAJIMA ET AL.	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

6/26/06

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-26, 28-39, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 and 32-35 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14, 16-26, 28-31, 36-39, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/13/06; 07/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 06/26/2006, have been entered and made of record. Claims 1-14, 16-26, 28-39, 58 and 59 are pending.

Allowable Subject Matter

2. The indicated allowability of claims 6-10 and 32-35, which have been amended, is withdrawn due to an alternative interpretation of the claims. Rejections based on the Nakatsuka (U.S. Pat. #6,229,625) in view of Li et al. (U.S. Pat. #6,463,177) reference(s) follow.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6-9, 11-14, 16-18, 20-22, 24-26, 28-30, 32-34, 36-38, 58 and 59 have been considered but are moot in view of the new ground(s) of rejection.

Applicants assert that changes have been made to claim 1 in order to distinguish the claimed subject matter from the "system" shown in Nakatsuka. While Applicants apparently do not consider the image processing system to be an image pick-up device or an image capturing device, Examiner respectfully disagrees. The image processing system (fig. 1) of Nakatsuka is an image pick-up device (or* an image capturing device), which includes an image reading device (ref. 10) and an image processing apparatus as well as the other elements appearing in fig. 1 (col. 4, line 59 – col. 5, line 43). The term "device" is synonymous to the term "system". Please note that the image reading device (10) is an imaging data generating mechanism because Nakatsuka teaches a scanner or a digital camera (col. 4, lines 59-67). Inherently, scanners and digital cameras are configured to "generate image data" as claimed in claim 1. Examiner has

Art Unit: 2622

decided to include another reference to satisfy the amendments to the selection mechanism in claim 1.

In response to the Applicants remarks regarding independent claims 11, 16, 24, 28, 36, 58, and 59, please refer to the Examiners comments regarding claim 1 above.

4. Applicant's arguments filed 06/26/2006 have been fully considered but they are not persuasive.

In the Remarks, Applicant traverses the rejection of claims 20-23 under 35 U.S.C. 102(e) as being anticipated by Takemura (U.S. Pat. #6,657,658) from the previous Office Action (mail date: 03/23/2006).

For claim 20, Applicant asserts that the correction condition of Takemura is irrelevant to an imaging condition. Examiner respectfully disagrees. In col. 7, lines 29-59, Takemura teaches that after inputting a desired finish, image processing condition is determined according to the desired finish. The desired finish is set based on the setting keys and a finish setting means (Takemura, col. 8, lines 23-32).

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 20-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Takemura (U.S. Pat. #6,657,658).

As for **claim 20**, Takemura discloses an image pick-up device or* an image capturing device (figs. 2-6, ref. 1) for generating image data being related to image processing control parameter set composed of a plurality of image processing control parameters designating an image processing condition for the image data (col. 7, line 8 – col. 8, line 50), said an image pick-up device or* an image capturing device comprising:

means (101) for generating said image data (col. 8, lines 23-32);

means (103) for designating an imaging condition when said means for generating generates said image data (col. 7, lines 29-59 col. 8, lines 23-32). Also, please see figs. 2 and 4, refs. 13a/b;

means (103) for generating said image processing control parameter set based on said imaging condition (col. 8, lines 10-43); and

means (104) for relating said image data to said image processing control parameter set, and outputting the related image data (col. 8, lines 10-43).

For **claim 21**, Takemura discloses an image pick-up device or* an image capturing device, wherein said image processing condition is a condition for an output device (fig. 6, ref. 2) that will output said image data (transferring the data via a data taking means – fig. 6, ref. 301; col. 8, lines 57-67).

For **claim 22**, Takemura discloses an image pick-up device or* an image capturing device, wherein said image processing control parameters include at least parameters relating to color space, gamma correction value, contrast, brightness, color balance, saturation, sharpness, color cast, and noise elimination (col. 7, lines 29-40 and col. 8, lines 10-22).

For **claim 23**, Takemura discloses an image pick-up device or* an image capturing device, wherein said image pick-up device or* an image capturing device is a photographic device (figs. 1-6, ref. 1; col. 7, lines 8-18); and said imaging condition is a picture mode in said photographic device (col. 8, lines 10-22).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-4, 6-9, 11-14, 16-18, 24-26, 28-30, 32-34, 36-38, 58 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuka (U.S. Pat. #6,229,625) in view of Li et al. (U.S. Pat. #6,463,177).

For **claim 1**, Nakatsuka discloses an image pick-up device or* an image capturing device (fig. 1) for generating image data that is related to an image processing control parameter designating an image processing condition for image data, said image pick-up device or* said image capturing device comprising:

an imaging data generating mechanism (10) configured to generate said image data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection when said an imaging data generating mechanism generates said image data (col. 5, lines 30-43).

a memory (26, 28, 38, 40) configured to store a plurality of combinations, each combination composed of said imaging condition and a plurality of said image processing control parameters (col. 5, lines 30-58);

an acquisition mechanism (20) configured to acquire said plurality of image processing control parameters for said designated imaging condition (col. 6, lines 4-40); and

a data output mechanism (fig. 2, ref. 102) configured to relate said generated image data to said plurality of acquired image processing control parameters, and output the generated image data (col. 6, lines 41-52).

Additionally, Nakatsuka teaches reducing the numbers of pixels to be read (col. 4, lines 10-15). However, Nakatsuka does not expressly disclose a selection mechanism configured to enable a selection of an imaging condition when said an imaging data generating mechanism generates said image data.

In a similar field of endeavor, Li discloses a selection mechanism (fig. 2, ref. 28) configured to enable a selection of an imaging condition (limit truncation/compression ratio) when said an imaging data generating mechanism generates said image data (col. 3, lines 1-14 and 39-54). In light of the teaching of Li, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Nakatsuka a selection mechanism configured to enable a selection of an imaging condition in order to enable an unskilled operator in the field of image processing to produce a high-quality image (Li, col. 1, lines 55-57).

For **claim 2**, Nakatsuka, as modified by Li, discloses an image pick-up device or* an image capturing device further comprising: a processor (fig.1, ref. 20/fig. 2) configured to

Art Unit: 2622

modify a value of any image processing control parameter among said plurality of acquired image processing control parameters (col. 6, lines 4 – col. 7, line 7).

For **claim 3**, Nakatsuka, as modified by Li, discloses an image pick-up device or* an image capturing device wherein said image processing condition is a condition for an output device that will output said image data (col. 5, lines 30-43; col. 6, line 66 – col. 7, line 7).

For **claim 4**, Nakatsuka, as modified by Li, discloses an image pick-up device or* an image capturing device wherein said image processing control parameters include at least parameters relating to color space, gamma correction value, contrast, brightness, color balance, saturation, sharpness, color cast, and noise elimination (col. 7, line 56 – col. 8, line 5).

Regarding **claim 6**, this claim is an apparatus claim corresponding to an apparatus claim 1. Therefore, apparatus claim 6 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding **claims 7-9**, these claims are method claims corresponding to the apparatus claims 2-4, respectively. Therefore, method claims 7-9 are analyzed and rejected as previously discussed with respect to claims 2-4, respectively.

Regarding **claim 11**, this claim is a method claim corresponding to an apparatus claim 1. Therefore, method claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding **claims 12-14**, these claims are method claims corresponding to the apparatus claims 2-4, respectively. Therefore, method claims 12-14 are analyzed and rejected as previously discussed with respect to claims 2-4, respectively.

For **claim 16**, Nakatsuka discloses an image pick-up device or* an image capturing device (fig. 1) for generating image data that is related to an image processing control parameter set composed of a plurality of image processing control parameters designating an image processing condition for the image data, said image pick-up device or* an image capturing device comprising:

an imaging data generating mechanism (10) configured to generate said image data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection when said an imaging data generating mechanism generates said image data (col. 5, lines 30-43).

a processor (fig.1, ref. 20/fig. 2) configured to generate said image processing control parameter set based on said imaging condition, to relate said image data to said image processing control parameter set, and output the related image data (col. 5, lines 30-43; col. 6, lines 4 – col. 7, line 7).

Additionally, Nakatsuka teaches reducing the numbers of pixels to be read (col. 4, lines 10-15). However, Nakatsuka does not expressly disclose a selection mechanism configured to enable a selection of an imaging condition when said an imaging data generating mechanism generates said image data.

In a similar field of endeavor, Li discloses a selection mechanism (fig. 2, ref. 28) configured to enable a selection of an imaging condition (limit truncation/compression ratio) when said an imaging data generating mechanism generates said image data (col. 3, lines 1-14 and 39-54). In light of the teaching of Li, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Nakatsuka a selection

mechanism configured to enable a selection of an imaging condition in order to enable an unskilled operator in the field of image processing to produce a high-quality image (Li, col. 1, lines 55-57).

Regarding **claims 17-18**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 17-18 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 24**, this claim is a method claim corresponding to an apparatus claim 16. Therefore, method claim 24 is analyzed and rejected as previously discussed with respect to claim 16.

Regarding **claims 25-26**, these claims are method claims corresponding to the apparatus claims 3-4, respectively. Therefore, method claims 25-26 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

For **claim 28**, Nakatsuka discloses an image pick-up device or* an image capturing device (fig. 1) for generating image data that is related to image processing control information designating an image processing condition for image data, said image pick-up device or* an image capturing device comprising:

an imaging data generating mechanism (10) configured to generate said image data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection when said an imaging data generating mechanism generates said image data (col. 5, lines 30-43).

a memory (26, 28, 38, 40) configured to store a plurality of sets of said image processing control information, the image processing control information specifying an image processing

Art Unit: 2622

control parameter set to be used for image processing of said image data, under said imaging condition (col. 3, line 44 – 47; col. 5, line 30 – col. 6, line 3);

an acquisition mechanism (20) configured to acquire said image processing control information for said designated imaging condition (fig. 2; col. 6, lines 4-40); and

a data output mechanism (24, 30, 42) configured to relate said generated image data to said acquired image processing control information, and output the related image data (col. 5, lines 30-43).

Additionally, Nakatsuka teaches reducing the numbers of pixels to be read (col. 4, lines 10-15). However, Nakatsuka does not expressly disclose a selection mechanism configured to enable a selection of an imaging condition when said an imaging data generating mechanism generates said image data.

In a similar field of endeavor, Li discloses a selection mechanism (fig. 2, ref. 28) configured to enable a selection of an imaging condition (limit truncation/compression ratio) when said an imaging data generating mechanism generates said image data (col. 3, lines 1-14 and 39-54). In light of the teaching of Li, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Nakatsuka a selection mechanism configured to enable a selection of an imaging condition in order to enable an unskilled operator in the field of image processing to produce a high-quality image (Li, col. 1, lines 55-57).

Regarding **claims 29-30**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 29-30 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 32**, this claim is an apparatus claim corresponding to an apparatus claim 28. Therefore, apparatus claim 32 is analyzed and rejected as previously discussed with respect to claim 28.

Regarding **claims 33-34**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 33-34 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 36**, this claim is a method claim corresponding to an apparatus claim 28. Therefore, method claim 36 is analyzed and rejected as previously discussed with respect to claim 28.

Regarding **claims 37-38**, these claims are method claims corresponding to the apparatus claims 3-4, respectively. Therefore, method claims 37-38 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

For **claim 58**, Nakatsuka discloses a computer-executable program for generating image data that is related to an image processing control parameter designating an image processing condition for image data (col. 5, line 30 – col. 6, line 3), wherein said computer-executable program implements functions comprising:

generation of said image data (col. 4, line 59 – col. 5, line 7);

storage of a plurality of combinations, each combination being composed of said imaging condition and a plurality of said image processing control parameters (col. 5, lines 30-58);

acquisition of said plurality of image processing control parameters for said designated imaging condition (fig. 2; col. 6, lines 4-40);

relation of the image data to said plurality of acquired image processing control parameters; and output of the related image data (col. 5, lines 30-43).

Additionally, Nakatsuka teaches reducing the numbers of pixels to be read (col. 4, lines 10-15). However, Nakatsuka does not expressly teach designation of an imaging condition in imaging of said image data.

In a similar field of endeavor, Li teaches designation of an imaging condition (limit truncation/compression ratio) in imaging of said image data (col. 3, lines 1-14 and 39-54). In light of the teaching of Li, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program of Nakatsuka with designation of an imaging condition in order to enable an unskilled operator in the field of image processing to produce a high-quality image (Li, col. 1, lines 55-57).

For **claim 59**, Nakatsuka discloses a computer-executable program for generating image data that is related to image processing control information designating an image processing condition for image data (col. 5, line 30 – col. 6, line 3), wherein said computer-executable program implements functions comprising:

generation of said image data (col. 4, line 59 – col. 5, line 7);

storage (26, 28, 38, 40) of a plurality of sets of said image processing control information, the information specifying an image processing control parameter set to be used for image processing of said image data, under said imaging condition (col. 3, line 44 – 47; col. 5, line 30 – col. 6, line 3);

acquisition of said image processing control information for said designated imaging condition (fig. 2; col. 6, lines 4-40);

relation of said image data to said image processing control information; and output of the related image data (col. 5, lines 30-43).

Additionally, Nakatsuka teaches reducing the numbers of pixels to be read (col. 4, lines 10-15). However, Nakatsuka does not expressly teach designation of an imaging condition in imaging of said image data.

In a similar field of endeavor, Li teaches designation of an imaging condition (limit truncation/compression ratio) in imaging of said image data (col. 3, lines 1-14 and 39-54). In light of the teaching of Li, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program of Nakatsuka with designation of an imaging condition in order to enable an unskilled operator in the field of image processing to produce a high-quality image (Li, col. 1, lines 55-57).

9. **Claims 5, 10, 19, 23, 31, 35, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuka (U.S. Pat. #6,229,625) in view of Li et al. (U.S. Pat. #6,463,177) as applied to claims 1, 11, 16, 24, 28, 36, 58, and 59 above, and further in view of Takemura (U.S. Pat. #6,657,658).

For **claim 5**, Nakatsuka, as modified by Li, discloses an image pick-up device or* an image capturing device wherein said image data generating device is a photographic device (col. 4, lines 59-67). However, Nakatsuka and Li do not teach that said imaging condition is a picture mode in said photographic device.

In a similar field of endeavor, Takemura teaches that said imaging condition is a picture mode in said photographic device (figs. 1-5; col. 7, line 8 – col. 8, line 21). In light of the

Art Unit: 2622

teaching of Takemura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the photographic device of Nakatsuka where the imaging condition is a picture mode in order to provide a means for selecting a desired finish (Takemura, col. 3, lines 28-35).

Regarding **claims 10, 19, 23, 31, 35, and 39**, each of these claims corresponds to apparatus claim 5. Therefore, apparatus claims 10, 19, 23, 31, 35, and 39 are analyzed and rejected as previously discussed with respect to claim 5.

***Note:** The U.S. Patent and Trademark Office considers Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ
September 5, 2006


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER